

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MOSES SHERMAN and LEOLA SHERMAN,

Plaintiffs,

**PLAINTIFFS' NOTICE OF  
MOTION TO REMAND**

- against -

Case No. 07 CV 6433 (KMK)

A.J. PEGNO CONSTRUCTION CORP., et al.,

Defendants.  
-----X

PLEASE TAKE NOTICE that upon Plaintiffs' Memorandum of Law In Support of Their Motion To Remand the Case To State Court, and Plaintiffs' Affirmation In Support of Their Motion To Remand, and the previous pleadings and papers in this case, Plaintiffs Moses Sherman and Leola Sherman, by their attorneys, Weitz & Luxenberg, P.C., will move this Court before the Honorable Kenneth M. Karas, at the United States Courthouse, 500 Pearl Street, New York, New York, on a date and at a time to be designated by the Court, pursuant to 28 U.S.C. §1447, to remand this case to New York Supreme Court, County of New York, to award Plaintiffs their costs and expenses incurred in opposing Defendants General Motors Corporation and Ford Motor Company's removal of this case, and for

such other relief as the Court deems just and proper.

Dated: New York, N.Y.  
July 30, 2007

**WEITZ & LUXENBERG, P.C.**

Attorneys for Plaintiffs  
180 Maiden Lane, 17<sup>th</sup> Fl.  
New York, N.Y. 10038

By: 

Stephen J. Riegel (SR-8832)  
(212) 558-5500

TO:

Jay A. Rappaport, Esq.  
AARONSON RAPPAPORT FEINSTEIN &  
DEUTSCH, LLP  
Attorneys for Defendant Ford Motor Company and  
General Motors Corporation  
757 Third Avenue  
New York, N.Y. 10017

Don Pugliese, Esq.  
MCDERMOTT, WILL & EMERY  
Attorneys for Defendant Honeywell International, Inc.  
f/k/a Allied Signal, Inc./Bendix  
340 Madison Avenue  
New York, N.Y. 10173-1922

Judith Yavitz, Esq.  
ANDERSON, KILL & OLICK, P.C.  
Attorneys for Amchem Products, Inc., n/k/a Rhone  
Poulenc AG Co., n/k/a Bayer CropScience, Inc.,  
Certainteed Corp. and Union Carbide Corp.  
1251 Avenue of the Americas  
New York, N.Y. 10020

**AFFIRMATION OF SERVICE**

**BARBARA PARENTE**, being duly sworn, deposes and says that affiant is associated with the attorneys for the plaintiff(s) herein; is not a party to this action; and resides in the County of Staten Island, City and State of New York; and

That on the 1<sup>st</sup> day of August, 2007, affiant served the within **PLAINTIFFS' NOTICE OF MOTION TO REMAND; PLAINTIFFS' AFFIRMATION IN SUPPORT OF THEIR MOTION TO REMAND; and PLAINTIFFS' MEMORANDUM OF LAW IN SUPPORT OF THEIR MOTION TO REMAND THE CASE TO STATE COURT**, by sending a true copy of the same, enclosed in a pre-paid Federal Express wrapper, marked for "priority overnight" service, addressed to the counsel for defendants listed on the attached Notice of Motion.

  
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**BARBARA PARENTE**

CASE NO. 07 CV 6433 (KMK)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MOSES SHERMAN and LEOLA SHERMAN,

Plaintiffs,

- against -

A.J. PEGNO CONSTRUCTION CORP., et al.,

Defendants.

PLAINTIFFS' NOTICE OF MOTION TO REMAND

Attorneys for **Plaintiffs**

WEITZ & LUXENBERG, PC.

180 Maiden Lane  
New York, NY 10038  
(212) 558-5500

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: .....

Signature.....

Print Signer's Name.....

Service of a copy of the within

is hereby admitted.

Dated:

Attorney(s) for

PLEASE TAKE NOTICE

☐  
NOTICE OF  
ENTRY

that the within is a (certified) true copy of a  
entered in the office of the clerk of the within named Court on

20

☐  
NOTICE OF  
SETTLEMENT

that an Order of which the within is a true copy will be presented for settlement to the  
Hon. one of the judges of the within named Court,  
at  
on 20 . at M.

Dated:

WEITZ & LUXENBERG, PC.

Attorneys for

180 Maiden Lane  
New York, NY 10038